

MAINE STATE LEGISLATURE

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DMG
R OES

L.D. 775

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Date: 2-27-20

(Filing No. H-699)

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STATE OF MAINE

5

HOUSE OF REPRESENTATIVES

6

129TH LEGISLATURE

7

SECOND REGULAR SESSION

8

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 580,
9 L.D. 775, Bill, "An Act To Expand Community Support Services for Certain Adult
10 Members of the MaineCare Program"

11

Amend the amendment by striking out the substitute title and replacing it with the
12 following:

13

**'Resolve, To Authorize the Department of Health and Human Services To Amend
14 Its Rules for Eligibility for Community Support Services'**

15

Amend the amendment by striking out all of sections 1 and 2 (page 1, lines 16 to 35
16 and page 2, lines 1 and 2 in amendment) and inserting the following:

17

**'Sec. 1. Department of Health and Human Services authorized to amend
18 eligibility criteria for community support services. Resolved:** That the
19 Department of Health and Human Services may amend its rule Chapter 101: MaineCare
20 Benefits Manual, Chapter II, Section 17, Community Support Services concerning
21 eligibility criteria for services under that section. The department may include in the
22 eligibility determination an assessment of whether an individual has significant
23 impairment or limitation in adaptive behavior or functioning related to the individual's
24 primary clinical diagnosis. The department may also consider:

25

1. Including in the list of clinical diagnoses that are automatically eligible for
26 services additional clinical diagnoses of conditions that substantially interfere with or
27 limit one or more major life activities; and

28

2. Expanding the situations in which an individual might be at risk of harm if the
29 individual were to have future episodes related to the individual's primary clinical
30 diagnosis.

31

Sec. 2. Report. Resolved: That the Department of Health and Human Services
32 shall report to the joint standing committee of the Legislature having jurisdiction over
33 health and human services matters by January 15, 2021 as to whether the department
34 amended its rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 17,
35 Community Support Services, referred to in this section as "the rule," concerning
36 eligibility criteria for services under that section and, if so, the justification for the
37 changes made by the amendment.

ROFS

- 1 The department also shall provide the committee with:
2 1. Data regarding:
3 A. The eligibility criteria for determining who has access to community support
4 services; and
5 B. The number of individuals who applied for community support services and, of
6 those:
7 (1) The number initially accepted;
8 (2) The number initially rejected;
9 (3) The number who were rejected who appealed the rejection; and
10 (4) Of the number who appealed, the number accepted following the appeal;
11 2. An assessment as to whether the department is fulfilling the intended purpose of
12 the rule, regardless of whether the department has amended the rule, as authorized
13 pursuant to section 1;
14 3. The department's plan for communicating to providers how the department plans
15 to ensure the provision of community support services under the rule; and
16 4. Any other information relevant to the provision of community support services
17 under the rule and the access of individuals to those services.
18 The joint standing committee may report out legislation to the First Regular Session
19 of the 130th Legislature regarding the subject matter of the report and any rules adopted
20 by the department pursuant to section 1.
21 Amend the amendment by relettering or renumbering any nonconsecutive Part letter
22 or section number to read consecutively.

23

SUMMARY

- 24 This amendment removes the mandate that the Department of Health and Human
25 Services amend its rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 17,
26 Community Support Services, instead authorizing the department to amend the rule. This
27 amendment also requires the department to report, by January 15, 2021, to the joint
28 standing committee of the Legislature having jurisdiction over health and human services
29 matters on the following:
30 1. Whether the department amended the rule and, if so, the justification for the
31 changes;
32 2. Data regarding eligibility criteria and the number of applicants for community
33 support services under the rule, including the number initially accepted and rejected and,
34 of those rejected, how many appealed and were accepted after appeal; and
35 3. Whether the department is meeting the intended purpose of the rule and its plan
36 for communicating to providers how the department plans to ensure the provision of
37 community support services pursuant to the rule.



129th MAINE LEGISLATURE

LD 775

LR 625(04)

**Resolve, To Direct the Department of Health and Human Services To Amend Its Rules for Eligibility
for Community Support Services**

Fiscal Note for House Amendment "A" to Committee Amendment "A"

Sponsor: Rep. Gramlich of Old Orchard Beach

Fiscal Note Required: Yes

Fiscal Note

Potential current biennium reduction of cost - General Fund

Potential current biennium reduction of cost - Federal Expenditures Fund

Fiscal Detail and Notes

The amendment removes the requirement in the committee amendment that the Department of Health and Human Services (DHHS) amend eligibility criteria under Chapter 101: MaineCare Benefits Manual, Chapter III, Section 17, Allowances for Community Support Services and, instead, allows the DHHS to amend the rule. This change gives the department more freedom in the changes, if any, that it makes to the rules. This could reduce those potentially eligible for services and the costs associated with them.